

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

2 BRIAN J. STRETCH (CSBN 163973
Chief, Criminal Division

3 SUSAN KNIGHT (CSBN 209013)
Assistant United States Attorney

4 ELISABETH OPPENHEIMER
Law Clerk

5 150 Almaden Blvd., Suite 900
6 San Jose, California 95113
7 Telephone: (408) 535-5056
8 FAX: (408) 535-5066
9 Susan.Knight@usdoj.gov
Elisabeth.Oppenheimer@usdoj.gov

10 Attorneys for Plaintiff

11
12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,) No. CR 08-00445 HRL
17 Plaintiff,) STIPULATION AND [PROPOSED]
18 v.) ORDER EXCLUDING TIME UNDER
19) THE SPEEDY TRIAL ACT
20 ROBERT WAYNE McMARTIN,)
a/k/a Charles Bernie Kaiser,) SAN JOSE VENUE
21 Defendant.)
22

23
24 On July 17, 2008, the undersigned parties appeared before the Court for an
25 arraignment. Bernard J. Vogel Jr., Esq., appeared on behalf of the defendant. The parties then
26 requested that a status hearing be scheduled for August 11, 2008, in order to afford Mr. Vogel
27 an opportunity to review the case and consult with the defendant about a possible disposition.
28

1 The defendant, through Mr. Vogel, agreed to waive time under the Speedy Trial Act from July
2 17, 2008 to August 11, 2008. The parties agree and stipulate that an exclusion of time is
3 appropriate based on the defendant's need for effective preparation of counsel.

4
5 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

6 DATED: 7/30/08

/s/
SUSAN KNIGHT
Assistant United States Attorney

7
8 DATED: 7/30/08

/s/
BERNARD J. VOGEL, JR.
Counsel for Mr. McMartin a/k/a Kaiser

9
10
11
12 Accordingly, the Court HEREBY ORDERS that a status hearing is set for August 11,
13 2008 at 9:30 a.m. For good cause shown, the Court FURTHER ORDERS that time be
14 excluded under the Speedy Trial Act from July 17, 2008 through August 11, 2008. The Court
15 finds, based on the aforementioned reasons, that the ends of justice served by granting the
16 requested continuance outweigh the best interest of the public and the defendant in a speedy
17 trial. The failure to grant the requested continuance would deny defense counsel reasonable
18 time necessary for effective preparation, taking into account the exercise of due diligence, and
19 would result in a miscarriage of justice. The Court therefore concludes that this exclusion of
20 time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

21 SO ORDERED.

22
23 DATED: _____

24
25
26
27 HOWARD R. LLOYD
28 United States Magistrate Judge